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CITY HALL • 208 NORTH FIRST AVENUE • ALPENA, MICHIGAN 49707-2885

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July 27, 1999

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AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William Kennard, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Ex Parte Filing* in cases WT 99-217; CC 96-98

Dear Mr. Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certified to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof—all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights—a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type—such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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List ABCDE

ALAN L. BAKALARSKI
CITY MANAGER

ALPENA
MICHIGAN'S ADVENSHORE

(517) 354-4158
FAX: (517) 354-4585

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Mr. William Kennard, Chairman

Page 2

July 27, 1999

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The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for eighty years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.

On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as shown by the small number of court cases on this—only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,



Alan L. Bakalarski
City Manager

ALB/KL

Mr. William Kennard, Chairman

Page 3

July 27, 1999

Copy: Mr. Harold Furchtgott-Roth, Commissioner
Mr. Michael Powell, Commissioner
Ms. Gloria Tristani, Commissioner
Ms. Susan Ness, Commissioner
Ms. Magalie Roman Salas, Secretary
Mr. Jeffrey Steinberg, Wireless Telecommunications Bureau
Mr. Joel Tauenblatt, Wireless Telecommunications Bureau
International Transcription Services
Mr. Kevin McCarty, U.S. Conference of Mayors
Ms. Barrie Tabin, Legislative Counsel
Mr. Robert Fogel, Associate Legislative Director
Mr. Lee Ruck, Executive Director, NATOA
Mr. Thomas Frost, Vice President, BOCA International
U.S. Representative Bart Stupak, D-Mich.
U.S. Senator Spencer Abraham, R-Mich.
U.S. Senator Carl Levin, D-Mich.

\\MANAGER\\Receptionist\\Antenna Zoning Ltr.doc

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VILLAGE OF SCHAUMBURG



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Municipal Center
101 Schaumburg Court
Schaumburg, IL 60193-1899
(847) 895-4500
TDD 923-4435
FAX 895-7806

**Health Department/
Nursing Division**
521 E. Schaumburg Road
Schaumburg, IL 60194-3510
(847) 895-1500
TDD 923-4435
FAX 923-4405

Prairie Center for the Arts
201 Schaumburg Court
Schaumburg, IL 60193-1880
(847) 895-3600
TDD 895-3638

Police Department
1000 W. Schaumburg Road
Schaumburg, IL 60194-4198
(847) 882-3586
TDD 882-3586
FAX 882-3846

Fire Department
1601 N. Roselle Road
Schaumburg, IL 60195-3612
(847) 885-6300
TDD 885-9045
FAX 885-6360

Fire Prevention Bureau
1351 S. Wright Boulevard
Schaumburg, IL 60193-4422
(847) 985-4452
TDD 985-9109
FAX 985-4479

Public Works Department
714 S. Plum Grove Road
Schaumburg, IL 60193-4329
(847) 895-7100
TDD 923-4105
FAX 895-6086

Teen Center
231 S. Civic Drive
Schaumburg, IL 60193-1257
(847) 524-3388

Family Counseling Center
217 S. Civic Drive
Schaumburg, IL 60193-1257
(847) 524-1505
TDD 524-2201
FAX 524-2201

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

OFFICE OF THE CHAIRMAN

Ex Parte Letter Re: Cases WT 99-217; CC96-98 / FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights-a landlord, municipality or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment, the FCC may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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PROGRESS THROUGH THOUGHTFUL PLANNING

Chairman Kennard
July 30, 1999
Ex Parte Letter Re: Cases WT 99-217; CC96-98
Page 2.

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On rights-of-way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited the FCC from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

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For these reasons please reject the proposed rule and take no action on rights-of-way and taxes.

Sincerely,

THE VILLAGE OF SCHAUMBURG



Kenneth J. Fritz
Village Manager

cc: Village President and Board of Trustees

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mr. Joel Tauenblatt
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Chairman Kennard
July 30, 1999
Ex Parte Letter Re: Cases WT 99-217; CC96-98
Page 3.

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Magalie Roman Salas (2 copies)
Secretary
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Washington, DC 20554

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Executive Director
NATO
1650 Tysons Road
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McLean, VA 22102-3915

Mr. Thomas Frost
Vice President, Engineering Services
BOCA International
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Country Club Hills, IL 60478

U.S. Senator Peter Fitzgerald
Kluczynski Federal Building
230 S. Dearborn St., Suite 3900
Chicago, IL 60604

International Transcription Services
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Washington D.C. 20554

Mr. Kevin McCarty
Assistant Executive Director
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Fourth Floor
Washington D.C. 20006

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave., N.W.
6th Floor
Washington D.C. 20004

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, N.W.
8th Floor
Washington D.C. 20001

Rep. Philip Crane
1450 S. New Wilke Road, Suite 102
Arlington Heights, IL 60005

U.S. Senator Richard Durbin
Kluczynski Federal Building
230 S. Dearborn St., Suite 3892
Chicago, IL 60604



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CITY OF COCONUT CREEK

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AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

AUG 5 7 37 PM '99
CITY MANAGER'S OFFICE
4800 WEST COPANS ROAD
COCONUT CREEK, FL 33063
OFFICE OF THE CHAIRMAN

August 3, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
446 Washington, DC 20554

Ex Parte Filing in cases WT 99-217; CC96-98 ✓

Dear Chairman Kennard:

Please do not adopt the rule proposed in the above cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you could have 100 companies allowed to place their wires in a building, and their antennas on the roof--all without the landlord's permission.

The FCC lacks the authority to do this. To do so would violate basic property rights. A landlord, city or condominium has the right to control who comes on their property and to protect the roofs of their buildings. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment, you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type—such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns—which we do

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Chairman William Kennard
Federal Communications Commission
August 3, 1999

Page 2

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The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for 32 years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal intervention at the levels proposed.

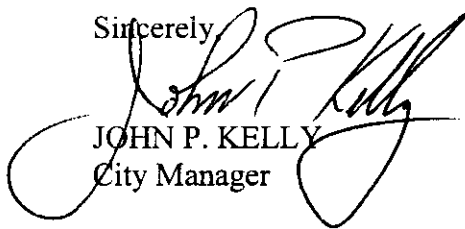
On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as shown by the small number of court cases on this—only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

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Sincerely,



JOHN P. KELLY
City Manager

(see attached sheet for individuals who received copies)

Cc: Commissioner Harold Furchtgott-Roth, FCC

Commissioner Michael Powell, FCC

Commissioner Gloria Tristani, FCC

Commissioner Susan Ness, FCC

Ms. Magalie Roman Salas (two copies)
FCC

Mr. Jeffrey Steinberg, FCC

Mr. Joel Tauenblatt, FCC

Thomas Frost, V.P. Eng. Svcs.
BOCA International

Thomas Frost, VP, Engineering Svcs.
BOCA International

Senator Connie Mack
United States Senate

Representative Alcee L. Hastings
US House of Representatives

Representative E. Clay Shaw
US House of Representatives

International Transcription Services
Washington, DC

Mr. Kevin McCarty
US Conference of Mayors

Ms. Barrie Tabin
National League of Cities

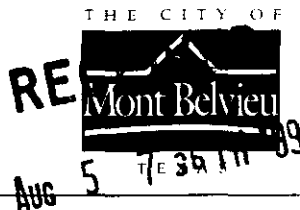
Robert Fogel, Associate Leg. Director
National Association of Counties

Lee Ruck, Executive Director
NATOA

Senator Bob Graham
United States Senate

Representative Robert Wexler
US House of Representatives

Rep. Peter Deutsch
US House of Representatives



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11607 Eagle Drive • Post Office Box 1048 • Mont Belvieu, Texas 77580 • (281) 576-2213 • (281) 385-2266 • Fax (281) 385-2194

OFFICE OF THE SECRETARY

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August 2, 1999

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Filing in cases WT 99-217; CC 96-98

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For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy

Bob Lee
Mayor
Kevin Law • Lonnie Follis • Dennis Leonard • Judy Duncan • Dr. Gary L. Boehme
City Council

Douglass F. Maurer
City Administrator

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or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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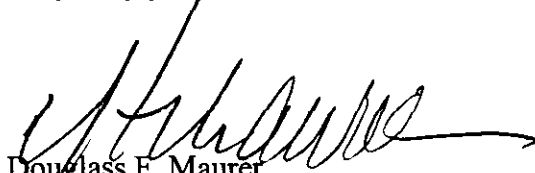
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For these reasons, please reject the proposed rule and take no action on rights of way and taxes.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Douglass F. Maurer', with a long, sweeping horizontal stroke at the end.

Douglass F. Maurer
City Administrator

Page 3 – Chairman Kennard

Cc:

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Magalie Roman Salas (two copies)
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave., N.W.
6th Floor
Washington, DC 20004

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, N.W.
8th Floor
Washington, DC 20001

Mr. Jeffery Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
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Mr. Joel Tauenblatt
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

International Transcription Services
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Mr. Kevin McCarty
Assistant Executive Director
U.S. Conference of Mayors
1620 I Street
Fourth Floor
Washington, DC 20006

Mr. Lee Ruck
Executive Director
NATO
1650 Tysons Road
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McLean, VA 22102-3915

Mr. Thomas Frost
Vice President, Engineering Services
BOCA International
4051 West Flossmoor Road
Country Club Hills, IL 60478

Senator David Bernsen
P.O. Box 822
Beaumont, Texas 77704

Representative Zeb Zbranek
P.O. Box 2910
Austin, Texas 78768

say
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The City of Marshall

E.F. "BUD" BLOODWORTH • MAYOR

• Utility Office • 201 S. Michigan Avenue • P.O. Box 298 • Marshall, Illinois 62441 • 217/826-8084 • 217/826-2949 Fax •

GEORGE Q. SMITH
Superintendent of Utility

ROGER WATWOOD
Assistant Superintendent

KILE L. NAVE
Chief of Police

STEVE CALHOUN
Office Manager

August 03, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
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ExParte Filing in cases WT 99-217; CC 96-98

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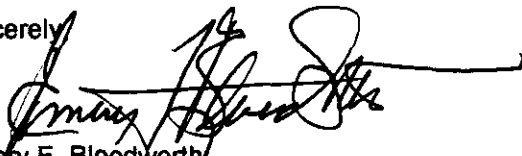
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Sincerely,



Emory F. Bloodworth
Mayor

pc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
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Mr. Joel Tauenblatt
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
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Assistant Executive Director
U.S. Conference of Mayors
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Mr. Robert Fogel
Associate Legislative Director
National Association of Counties

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Washington, DC 20515

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NATOA
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McLean, VA 22102-3915

Mr. Thomas Frost
Vice President, Engineering Services
BOCA International
4051 West Flossmoor Road
Country Club Hills, IL 60478

Senator Richard Durbin
364 Russell Office Building
Washington, DC 20510

Senator Peter Fitzgerald
B40-5 Dirksen Building
Washington, DC 20510



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OFFICE OF THE MAYOR

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OFFICE OF THE SECRETARY

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Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns - which we do every day, with success. Everyone wants garbage picked up, no one wants a transfer station. Everyone wants electricity, no one wants a substation near their home.

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The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and with municipalities. We have successfully applied these principles and balanced competing concerns for eighty years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the US as to warrant Federal action.

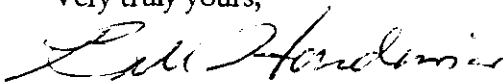
On rights-of-way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited your from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as shown by the small numbers of court cases on this, which is only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies, this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state, and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons, please reject the proposed rule and take no action on rights-of-way and taxes.

Very truly yours,



Bill Hardiman
City of Kentwood

Cc:

Commissioner Harold Furchtgott-Roth
FCC
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
FCC
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
FCC
445 12th Street SW
Washington, DC 20554

Ms. Magalie Roman Salas (two copies)
Secretary
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Commissioner Gloria Tristani
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Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
FCC
445 12th Street SW
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Mr. Joel Tauenblatt
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Assistant Executive Director
US Conference of Mayors
1620 I Street
Fourth Floor
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Legislative Counsel
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1301 Pennsylvania Ave. NW
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Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
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8th Floor
Washington, DC 20001

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Executive Director
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1650 Tysons Road, Suite 200

McLean, VA 22102-39125

Mr. Thomas Frost
Vice President, Engineering Services
BOCA International
4051 West Flossmoor Road
Country Club Hills, IL 60478

The Honorable Vern Ehlers
United States Representative
1714 Longworth House Office Building
Washington, DC 20515

The Honorable Carl Levin
United States Senator
459 Russell Senate Office Building
Washington, DC 20510

The Honorable Spencer Abraham
United States Senator
329 Dirksen Senate Office Building
Washington, DC 20510-2203

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FEDERAL COMMUNICATIONS COMMISSION
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August 5, 1999

EX PARTE OR LATE FILED

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Ex Parte Filing in Cases WT 99-217; CC96-98; Preemption of State/Local Rules and Deed Restrictions Affecting Placement of Telecom Antennas; Preempting Taxation of Telephone Companies

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any telephone company that serves tenants of a building to place their antenna and related facilities in and on the buildings notwithstanding any governmental regulations to the contrary or the building owners' objections.

In some states, 70 or more new telephone companies have been certificated to provide service. If you include the wireless phone companies under your rule you may have 100 companies allowed to place their wires and antennas on and in a building, including the roof – all without the owner's permission and possibly contrary to government regulations.

The FCC lacks the authority to enact this rule because it violates property rights, specifically, the owner of the property whose rights include who may enter onto their property and locate fixtures thereon. Congress did not give the FCC the authority to condemn space for phone companies in every building in the country, and yet this is the effect of this rule.

In addition to property owners' rights, governments are also adversely affected. For example, building codes are for engineering related safety reasons. These regulations vary by region due to building type to account for many factors such as potential earthquakes,

L-WT 99-217

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John Longstreet
Mayor

Cheryl D. Williams
Mayor Pro tem

Rick Neudorff
Deputy Mayor Pro tem

Pat Evans
Place 2

Phil Dyer
Place 3

Steve Stovall
Place 5

John R. Roach, Jr.
Place 7

Dick Bode
Place 8

Thomas H. Muehlenbeck
City Manager

hurricanes, tornadoes and maximum amount of snow and ice. If antennas are too heavy or too high, they pose a direct threat to the building's integrity and safety of persons. Further, if antennas are not properly secured, they may fall and damage the building, or injure the inhabitants or passers-by.

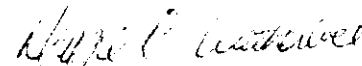
Similarly, zoning laws are matters of local concern and are designed to protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns – which we do every day, with success without the necessity for this rule.

It is Plano's position that the telephone providers' complaints about rights-of-way management and fees are overblown, as shown by the small number of court cases on this – only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies, this number of cases shows that the system is working, and the proposed rule is unnecessary.

Finally, their request to preempt local and state taxes because of the concern that the combined Federal, state and local tax burden on new phone companies is too high is not only unfounded, the FCC has no authority to affect state or local taxes any more that it can affect Federal taxes.

For these reasons, please reject the proposed rule and take no action on rights-of-way and taxes.

Very truly yours,



Diane C. Wetherbee
City Attorney

DW/lk

c: Thomas H. Muehlenbeck, City Manager
Phyllis Jarrell, Director of Planning

c: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
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Ms. Magalie Roman Salas
Secretary
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Mr. Joel Tauenblatt
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Mr. Kevin McCarty
Assistant Executive Director
U.S. Conference of Mayors

Chairman Kennard
July 30, 1999
Ex Parte Letter Re: Cases WT 99-217; CC96-98
Page 3.

Commissioner Gloria Tristani
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Commissioner Susan Ness
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Vice President, Engineering Services
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U.S. Senator Peter Fitzgerald
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Associate Legislative Director
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Rep. Philip Crane
1450 S. New Wilke Road, Suite 102
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U.S. Senator Richard Durbin
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A. Allen Ramsey
Mayor

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

August 2, 1999

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Ex Parte Filing in cases WT 99-217; CC 96-98

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof - all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights - a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type--such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values

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Page 2
Chairman William Kennard
Federal Communications Commission
August 2, 1999

and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns--which we do every day, with success. Everyone wants garbage picked up, no one wants a transfer station. Everyone wants electricity, no one wants a substation near their home.

The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for eighty years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.

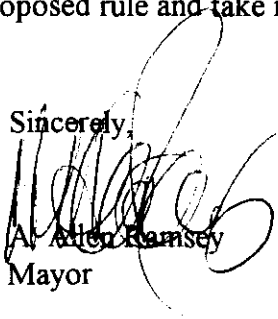
On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believed the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this--only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights-of-way and taxes.

Sincerely,



Al Allen Ramsey
Mayor

AAR/gfc

Copies to:

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
445 12th Street SW
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Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
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Washington, DC 20554

Mr. Jeffrey Steinberg
Federal Communications Commission
445 12th Street SW
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Mr. Joel Tauenblatt
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Honorable Jeff Sessions
United States Senator
U. S. Senate
Washington, DC 20510

Honorable Richard Shelby
United States Senator
110 Hart Building
Washington, DC 20510-0103



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KERRY R. SWEATT
CITY MANAGER

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July 26, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Filing in cases WT 99-217; CC 96-98

Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certified to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof- all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights- a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type - such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns-which we do every day, with success.

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On the rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

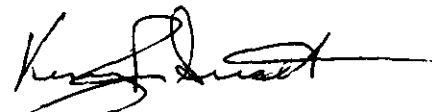
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Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons, please reject the proposed rule and take no action on rights of way and taxes.

Please let me know if we may furnish other information.

Sincerely,



Kerry R. Sweatt
City Manager

KRS:db

cc: Mayor and City Council

Commissioner Harold Fruchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
445 12 Street SW
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Commissioner Michael Powell
Federal Communications Commission
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Legislative Counsel
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Associate Legislative Director
National Association of Counties
440 First Street, N.W. 8th Floor

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The Honorable Kay Bailey Hutchison
U.S. Senate
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Washington, DC 20510

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Wireless Telecommunications Bureau
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Mr. Thomas Frost
Vice President, Engineering Services
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Country Club Hills, IL 60478

The Honorable Phil Gramm
U.S. Senate
370 Russell Senate Building
Washington, DC 20515



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City of Malibu
23555 Civic Center Way, Malibu, California 90263
(310) 456-2489 Fax: (310) 456-3356
Harry R. Peacock, City Manager

July 30, 1999

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AUG 11 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Ex Pare Filing in cases WT 99-217; CC 96-98 /

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights-a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,

CITY OF MALIBU



Harry R. Peacock
City Manager

HP:vjb





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city of **Belding**, michigan
48809

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120 s. pleasant street
(616) 794-1900

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Patre Filing in cases WT99-217;CC 96-98

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights-a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 29, 1999

Chairman William Kennard
Federal Communications Commission
445 12th St. SW
Washington DC 20554

ORIGINAL

Dear Chairman Kennard:

Please do not adopt the rule proposed in the Ex Parte Filing in Cases WT99-217 and CC 96-98 that would:

- * preempt state and local laws, ordinances, building codes and deed restrictions affecting telecommunications antennas
- * allow multiple telephone companies to place their wires in buildings and their antennas on buildings without the permission of the building owner
- * preempt local management of rights of way, compensation, permitting and fees regarding telephone companies
- * consider preempting state and local taxation of telephone companies.

In some states, more than 70 phone companies have been certified to provide service. Add in the wireless phone companies and under this rule, cities and building owners may have up to 100 companies allowed to place their wires in a building and antennas on a building — all without the owner's permission.

With all due respect, the FCC lacks the authority to do this. Not only would basic property rights be violated, but also Congress did not give the FCC the right to condemn space for phone companies nor to preempt local zoning and building ordinances. Local management of zoning, building and rights of way issues is essential to protect public health, safety and welfare. Congress has specifically prohibited the FCC from acting in this area. Therefore, we ask that you reject the proposed rule and take no action on rights of way and taxes.

Sincerely,

Charles England
Mayor

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CITY OF LOVELAND

OFFICE OF THE CITY ATTORNEY

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July 28, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington DC 20554

AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ex Parte Filing in cases WT 99-217; CC 96-98

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies, and under your rule, you may have 100 companies allowed to place their wires in a building, and their antennas on the roof – all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights—a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

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Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened)

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The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.

On rights of way, local management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this – only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies, this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect federal taxes.

For these reasons, please reject the proposed rule and take no action on rights-of-way and taxes.

Very truly yours,



Adele L. Reester
Assistant City Attorney

cc:

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
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Commissioner Susan Ness
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Ms. Magalie Roman Salas (2 copies) Washington, DC 20006
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Mr. Robert Fogel
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Senator Wayne Allard
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Washington, DC 20510

Senator Ben Nighthorse Campbell
380 Russell Senate Office Building
Washington, DC 20510

**City of Missouri
City**

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July 28, 1999

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Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ExParte Filing in cases WT 99-217; CC 96-98

Dear Chairman Kennard:

Please do not adopt the rule proposed in the these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights-a landlord, city of condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment and may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type-such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly

screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns - which we do every day, with success. Everyone wants garbage picked up, no one wants to transfer station. Everyone wants electricity, no one wants a substation near their home.

The application of zoning principles is highly dependent on local conditions. These vary greatly state by state, from municipality to municipality and within municipalities. We have successfully applied these principles and balanced competing concerns for eighty years. Zoning has not unnecessarily impeded technology or the development of our economy, nor will it here. There is simply no basis to conclude that for a brand-new technology (wireless fixed telephones) with a minuscule track record that there are problems on such a massive scale with the 38,000 units of local government in the U.S. as to warrant Federal action.


We believe the telephone provider's complaints about rights-of-way management of them is essential to protect the public health, safety and welfare. Congress has specifically prohibited you from acting in this area.

We believe the telephone providers' complaints about rights-of-way management and fees are overblown, as show by the small number of court cases on this-only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For those reasons please reject the proposed rule and take no action on rights of way and taxes.

Very truly yours,


James Thurmond
City Manager

Cc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
445 12th Street SW
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Commissioner Susan Ness
Federal Communications Commission
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Ms. Magalie Roman Salas (two copies)
Secretary
Federal Communications Commission
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Mr. Jeffrey Steinberg
Wireless Telecommunications Bureau
Federal Communications Commission
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Mr. Joel Tauenblatt
Wireless Telecommunications Bureau
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The Honorable Kay Bailey Hutchison
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The Honorable Phil Gramm
United State Senate
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ORIGINAL

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* ALSO MEMBER WASHINGTON D.C. BAR
 ** MEMBER NEW JERSEY BAR ONLY
 REGISTERED NY STATE LOBBYIST
 *** NON-ATTORNEY
 *****REGISTERED WASHINGTON D.C. LOBBYIST

July 29, 1999

Chairman William Kennard
 Federal Communications Commission
 445 12th Street SW
 Washington, DC 20554

Ex Parte Filing in cases WT 99-217; CC 96-98

Dear Chairman Kennard:

I am the Village Attorney for the villages of Hewlett Bay Park, Hewlett Neck, Great Neck Estates, North Hills, Saddle Rock, Thomaston and Woodsburgh, all located in Nassau County, New York. I write this letter in opposition to adoption of the rule proposed in the referenced cases, which would permit any phone company to serve any tenant of a building and to place antenna on the building roof, without the consent of the owner and notwithstanding local zoning regulations.

We respectfully submit that the FCC lacks the authority to enact this rule. Doing so would violate basic property rights, and force owners of property to permit entry and occupation of their property by a person or entity without the owner's consent. Property owners have a fundamental right to control who comes on their property. Congress has not vested in the FCC, and could not vest in the FCC, the authority to effectively condemn building space in every building in the country. Nie

Neither does the FCC have authority to preempt state and local building codes, zoning regulations, environmental legislation and other laws affecting antennae on the roofs of buildings. Zoning and building codes are purely matters of state and local jurisdiction which, under basic principles of federalism and the Tenth Amendment, the FCC may not preempt.

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Chairman William Kennard
July 29, 1999
Page 2

There are good reasons for refusing this authority to pre-empt. For example, building codes are imposed in part for engineering related safety reasons, which vary by region, weather patterns and building type. Whether or not particular antennae are appropriate in a particular location is a matter for local determination, and not one as to which the federal government should override local government. Significant issues of local public safety and property rights are involved.

Zoning laws similarly are matters of local concern, to protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of the community. Local governments may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, while still insuring that needed services are provided. This requires balancing of competing concerns, which would not be done if the proposed rules are enacted.

The application of zoning principles is highly dependent on local conditions, which vary greatly from municipality to municipality, and even within municipalities. Our clients have successfully applied these principles and balanced competing concerns for the seventy or eighty years of their existence. Zoning laws have not unnecessarily impeded technology nor the development of our economy. There is simply no basis upon which to conclude that for a brand-new technology (wireless fixed telephones), with a very short track record, that there are problems on such a massive scale with the 38,000 units of local government in the United States such as to justify such drastic federal action.

Similarly, management of municipal rights of way is a fundamental matter of local concern, essential to protect the public health, safety and welfare. Congress has specifically prohibited the FCC from acting in this area.

We respectfully request that the FCC reject the proposed rule and take no action on rights of way and local taxation.

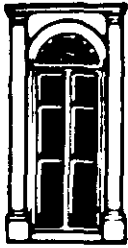
 Very truly yours,
A. THOMAS LEVIN

cc:
Commissioner Harold Furchtgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani

Chairman William Kennard
July 29, 1999
Page 3

Commissioner Susan Ness
Wireless Telecommunications Bureau
International Transcription Services
U.S. Conference of Mayors
National League of Cities
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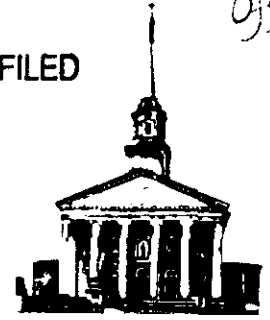
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BARDSTOWN, KENTUCKY 40004
TEL. NO. 502/348-5947
FAX. NO. 502/348-2433



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August 2, 1999

Chairman William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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AUG 11 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Filing in cases WT 99-217; CC 96-98

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof. In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof - all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights - a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

For example, building codes are imposed in part for engineering related safety reasons. These vary by region, weather patterns and building type - such as the likelihood of earthquakes, hurricanes and maximum amount of snow and ice. If antennas are too heavy or too high, roofs collapse. If they are not properly secured, they will blow over and damage the building, its inhabitants or passers-by.

Similarly, zoning laws are matters of local concern which protect and promote the public health, safety and welfare, ensure compatibility of uses, preserve property values and the character of our communities. We may restrict the numbers, types, locations, size and aesthetics of antennas on buildings (such as requiring them to be properly screened) to achieve these legitimate goals, yet see that needed services are provided. This requires us to balance competing concerns - which we do every day, with success. Everyone wants garbage picked up, no one wants a transfer station. Everyone wants electricity, no one wants a substation near their home.

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Federal Communications Commission
Chairman William Kennard
Page 2

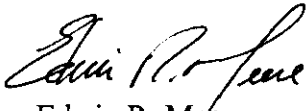
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We believe the telephone providers' complaints about rights-of-way management and fees are over blown, as shown by the small number of court cases on this, only about a dozen nationwide in the three years since the 1996 Act. With 38,000 municipalities nationwide and thousands of phone companies this number of cases shows that the system is working, not that it is broken.

Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high.

For these reasons, please reject the proposed rule and take no action on rights of way and taxes.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin R. Meece", written in a cursive style.

Edwin R. Meece
City Administrative Officer

ERM/jd

ORIGINAL ROBINSON TOWNSHIP

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12010 - 120th Avenue

Ottawa County
Grand Haven, Michigan 49417
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July 27, 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Chairman William Kennard
Federal Communications Commission
445 - 12th Street SW
Washington, DC 20554

Ex Parte Filing in cases WT99-217; CC96-98 /

Dear Chairman Kennard:

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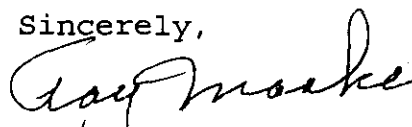
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Finally, we are surprised that you suggest that the combined Federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect Federal taxes.

For these reasons, please reject the proposed rule and take not action on rights of way and taxes.

Sincerely,



Raymond Masko
Supervisor

RM/mlr